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13 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

14 -oo-

15 UNITED STATES OF AMERICA,)
16 Plaintiff,) Case No.: 2:17-cr-00180-JAD-PAL
17 vs.)
18 EVERLY JAMES,) STIPULATION TO CONTINUE
19 Defendant.) GOVERNMENT'S RESPONSE TO
20) DEFENDANT'S MOTION TO
21) SUPPRESS (ECF No. 203) – Third
22) Request
23

24 IT IS HEREBY STIPULATED AND AGREED, by and between Steven W.
25 Myhre, Acting United States Attorney; and Cristina D. Silva, Assistant United
26 States Attorneys, counsel for the United States of America, and Christopher Oram,
27 Esq., counsel for defendant EVERLY JAMES, for the reasons set forth herein, that
28 the Government's response to defendant's motion to suppress (ECF No. 203),
29 currently due on December 21, 2017, be continued for two (2) weeks for the following
30 reasons:
31

32 1. Counsel for the Government provided the Defendant with additional
33

evidence that extends the currently charged conspiracy. Counsel for the Defendant needs additional time to review the discovery and discuss it with his client.

2. Defendant's counsel recently completed a lengthy homicide trial in the State of Nevada. As a result, the counsel for the Defendant needs additional time to discuss the new discovery with his client because it may impact resolving the case. Also, because of the same trial, the counsel for both parties were only recently able to meet and discuss the new discovery, as well as engage in plea negotiations.

3. The defendant is in custody and but does not object to a brief continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice because it will prevent the Defendant from receiving and reviewing additional information with his counsel, and it could also deny the parties an opportunity to engage in more fulsome plea negotiations.

5. This is the third request for continue the response to the motion to suppress.

DATED this 20th day of December, 2017.

STEVEN W. MYHRE
Acting United States Attorney

/s/
CRISTINA D. SILVA
FRANK J. COUMOU
Assistant United States Attorneys

/s/
CHRISTOPHER ORAM, ESQ.
Counsel for Defendant James

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 -oo-

4 UNITED STATES OF AMERICA,) Case No.: 2:17-cr-00180-JAD-PAL
5 Plaintiff,) **ORDER**
6 vs.)
7 EVERLY JAMES,)
8 Defendant.)

9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing
11 therefore, the Court finds that:

12 1. Counsel for the Government provided the Defendant with additional
13 evidence that extends the currently charged conspiracy. Counsel for the Defendant
14 needs additional time to review the discovery and discuss it with his client.

15 2. Defendant's counsel recently completed a lengthy homicide trial in the
16 State of Nevada. As a result, the counsel for the Defendant needs additional time to
17 discuss the new discovery with his client because it may impact resolving the case.
18 Also, because of the same trial, the counsel for both parties were only recently able
19 to meet and discuss the new discovery, as well as engage in plea negotiations.

20 3. The defendant is in custody and but does not object to a brief
21 continuance.

22 4. Additionally, denial of this request for continuance could result in a
23 miscarriage of justice because it will prevent the Defendant from receiving and

reviewing additional information with his counsel, and it could also deny the parties an opportunity to engage in more fulsome plea negotiations.

5. This is the third request for continue the response to the motion to suppress.

For all of the above-stated reasons, the end of justice would best be served by a two-week continuation of the deadline for the Government to file its response to the Defendant's Motion to Suppress (ECF No. 203).

ORDER

IT IS ORDERED that the Government's deadline to respond to the Defendant's motion to suppress, currently scheduled for December, 2017, be vacated and continued to January 8, 2018.

DATED this 4th day of January, 2018.

Peggy A. Leen
THE HONORABLE PEGGY A. LEEN
United States Magistrate Judge